

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL T. MCRAITH, <i>et al.</i> ,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 07 C 7125
	)	
FRANCES GECKER, not individually	)	Honorable Joan Humphrey Lefkow
but as Chapter 11 Trustee of the estate of	)	Magistrate Judge Arlander Keyes
Automotive Professionals, Inc.,	)	
	)	On Appeal of Honorable Carol A. Doyle
Appellee	)	in Bankruptcy Case No. 07-6720

**DIRECTOR OF INSURANCE'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE BRIEF**

People of the State of Illinois *ex rel.* Michael T. McRaith, Director of Insurance of the State of Illinois, in his capacity as statutory and court-affirmed conservator of Automotive Professionals Inc. ("the Director" or "Appellant"), and by his undersigned counsel, hereby moves this Honorable Court pursuant to Rule of Bankruptcy Procedure 8009, 8011 and FRCP 6(b) for an extension of time within which to file Appellant's brief. In support thereof, movant states as follows:

1. That the order which is the subject of this appeal is dated December 19, 2007 and was entered on December 21, 2007. Under Bankruptcy Rule of Procedure 8009, the Appellant's brief is due 15 days from the date of entry of the order.
2. On January 9, 2008, Judge Grady granted the Director's prior Motion for Extension of Time to File Brief, granting Appellant until February 6, 2008 to file Appellant's brief and Appellee until March 5, 2008 to file Appellee's brief.

3. Since January 9, 2008, counsel for the Director and counsel for Frances Gecker, not individually but as Chapter 11 Trustee of the estate of Automotive Professionals, Inc. (“the Trustee” or “Appellee”) have been engaged in settlement negotiations that the Director in good faith believes could result in the voluntary dismissal of this appeal, as well as similar appeals in Case Nos. 07 C 7124 and 07 C 7127.

4. The Assistant Attorney General responsible for the preparation and filing of the Appellant’s brief, Carl Elitz, has attached an affidavit attesting to his ongoing discussions with Counsel for the Trustee.

5. The Director requests a 14-day extension to the deadline for Appellant to file his Appellant’s brief (or until February 20, 2008), and a likewise 14-day extension to the deadline for Appellee to file her Appellee’s brief (or until March 19, 2008).

6. Counsel for the Trustee has indicated that the Trustee does not oppose this request to so extend the briefing schedule.

7. This request is not made for the purposes of delay but for the allowance of a short, finite period of time during which the parties can negotiate the terms of a possible settlement agreement resulting in the voluntary dismissal of not only this case, but Case Nos. 07 C 7124 and 07 C 7127 as well.

8. The Director does not believe unfair prejudice would result by a short extension of the brief due dates in this matter.

9. The attached affidavit is not presented for purposes of delay.

**WHEREFORE**, the People of the State of Illinois *ex rel.* Michael T. McRaith, Director of Insurance of the State of Illinois, moves this Honorable Court for an order granting a 14-day extension of time within which to file the Appellant's brief (or until February 20, 2008) and a likewise 14-day extension for the Appellee to file her Appellee's brief (or until March 19, 2008), and for other relief that Court deems equitable and just.

Dated: February 1, 2008

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*EX REL.* MICHAEL T. MCRAITH,  
DIRECTOR OF INSURANCE IN THE STATE  
OF ILLINOIS

By: LISA MADIGAN  
Attorney General  
State of Illinois

By: /s/Allan V. Abinoja  
Ronald Rascia (IL ARDC # 3127629)  
Carl J. Elitz (IL ARDC # 6201131)  
Allan V. Abinoja (IL ARDC # 627442)  
Assistant Attorneys General  
100 West Randolph Street, 12th Floor  
Chicago, Illinois 60601  
(312) 814-3647  
(312) 814-2275 (facsimile)

**CERTIFICATE OF SERVICE**

I, Allan V. Abinoja, an attorney, certifies that on February 1, 2008, a true and correct copy of the Director of Insurance's Unopposed Motion for Extension of Time to File Brief was filed electronically. Notice of the filing will be sent to all parties who are currently on the Court's Electronic Mail Notice List by operation of the Court's Electronic Filing System.

/s/Allan V. Abinoja